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REMARKS

Claims 1-4 and 6-14 are pending in the application. Claim 1 is the only independent claim.

Claims 1 and 6 were rejected under 35 USC 103(a) as being unpatentable over newly-cited US Patent 5,968,069 (Dusbabek et al.) in view of US Patent 4,445,892 (Hussein et al.).

Claims 2-4 and 7-11 were rejected as being unpatentable over Dusbabek in view of Hussein and further in view of US Patent 5,106,360 (Ishiwara et al.).

Claim 12 was rejected as being unpatentable over Dusbabek, Hussein, Ishiwara and further in view of US Patent 6,063,101 (Jacobsen et al.).

Claims 13-14 were rejected as being unpatentable over Dusbabek, Hussein, Ishiwara, and further in view of US Patent 4,497,721 (Ginsburg).

In view of the following comments, each of the outstanding rejections is respectfully traversed and reconsideration is requested.

Claim 1 is directed to a device to treat tissue including an outer tube, an inner tube disposed at least partially within the outer tube and including a guidewire lumen, a supply lumen and a return lumen, and a dual balloon. The dual balloon includes an inner balloon and an outer balloon, the inner balloon coupled to the inner tube at a proximal end and at a distal end, the outer balloon coupled to the inner tube at a distal end and to the outer tube at a proximal end. A first interior volume, defined between the outer balloon and the inner balloon, is in fluid communication with an inlet in the volume between the outer tube and the inner tube, and *at least two radially extending tabs*, extending from the inner tube, disposed around a circumference of the inner tube to substantially center the inner tube within the outer tube. Working fluid, input into the first interior volume, passes the radially extending tabs, and is not unduly impeded by the radially extending tabs.

Independent Claim 1 has been amended herein to clarify that the radially extending tabs extend from the inner tube to center the inner tube *within the outer tube*. As explained at least at page 21, line 21, through page 22, line 2 of Applicants' specification as filed, "tabs 119 and 229

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are particularly important in the catheters 100 and 200, as contact by the inner tube of the outer tube may also be associated with an undesired conductive heat transfer prior to the working fluid reaching the working region, thereby deleteriously increasing the temperature of the working fluid at the working region".

Accordingly, as recited in Claim 1, working fluid input into the first interior volume (defined by the outer and inner balloons) passes the radially extending tabs, and is not unduly impeded by the radially extending tabs.

Figure 11 of Dusbabek illustrates inner lumen 26, outer lumen 22, inner balloon 50 and outer balloon 14. Even if radially extending tabs were added, in light of the alleged teachings of Hussein, such tabs would not extend from inner lumen 26 of Dusbabek, and therefore the resulting structure would fail to teach or suggest that "working fluid input into the volume defined by the inner and outer balloons", would somehow "pass such tabs radially extending from inner lumen 26".

The Action relies upon Hussein as providing a teaching of a dual balloon catheter with spacers. Applicants again submit that Hussein is directed to a 'dual balloon catheter' in which two balloons are spaced apart from one another along an elongated tubular structure, defining an occluded segment or operating region therebetween (and not an 'inner' balloon and an 'outer' balloon). As noted at col. 7, lines 46-50 of Hussein, "the first balloon 234 is in fluid communication with a conduit defining the first fluid passageway 242...[and] [l]ikewise the second fluid passageway 244, defined by a conduit within inner tube 224, is for the expansion and collapse of the second balloon 236". Elongated spacer member 308 and 310 of Hussein are provided "on a carrier collar 298" – and are located between the carrier collar 298 and the inside wall surface of outer tube 220.

There is no teaching or suggestion that "working fluid" input into a first interior volume (defined by the outer and inner balloons) passes the radially extending tabs, and is not unduly impeded by the radially extending tabs.

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Therefore, it is again respectfully submitted that Hussein does not teach or suggest Applicants claimed "radially extending tabs, extending from an inner tube, disposed around a circumference of the inner tube to substantially center the inner tube within the outer tube -- wherein working fluid, input into the first interior volume, passes the radially extending tabs, and is not unduly impeded by the radially extending tabs.

For all of the foregoing reasons, independent Claim 1, as amended herein, is believed to be patentable over any permissible combination of the teachings of Dushabeck, Hussein, Ishiwara, Ginsburg and Jacobson, and reconsideration is requested.

Dependent Claims 2-4 and 6-14 are believed to be clearly patentable for all of the reasons indicated above with respect to amended independent Claim 1, and even further distinguish over the cited references by reciting additional limitations.

Since the Applicants have fully responded to the Office Action, it is respectfully submitted that in regard to the above remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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